

Exhibit 8

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

- - -

IN RE: ETHICON, INC. : MDL NO. 2327
PELVIC REPAIR SYSTEM, :
PRODUCTS LIABILITY : VOLUME V
LITIGATION :

- - -

THIS DOCUMENT RELATES TO ALL CASES AND
VARIOUS OTHER CROSS-NOTICED ACTIONS
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- - -

February 3, 2014

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Continued videotaped realtime
30(b)(6) deposition of JOHNSON & JOHNSON and
ETHICON, taken through its representative DANIEL J.
SMITH, was taken pursuant to notice and held at the
law offices of RIKER DANZIG SCHERER HYLAND PERRETTI
LLP, Headquarters Plaza, One Speedwell Avenue,
Morristown, New Jersey, beginning at 9:34 a.m. on
the above date, before Kimberly A. Cahill, a
Federally Approved Registered Merit Reporter and
Notary Public for the State of New Jersey.

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1 on loading mesh and the impact on the size of the
2 pores?

3 A. Other than very positive clinical
4 data, I would say that would be our -- that would be
5 our information.

6 MR. ZONIES: Move to strike as
7 nonresponsive.

8 BY MR. ZONIES:

9 Q. Mr. Smith, as Ethicon's person most
10 knowledgeable about mesh properties, you would agree
11 that at certain loads, mesh permanently deforms;
12 correct?

13 A. It depends what that load is.

14 Q. But it can permanently deform the
15 mesh if the mesh is pulled at a certain load;
16 correct?

17 A. If the load was high enough, yes.

18 Q. And by that, you mean that if the
19 load is high enough or repeats enough, that the mesh
20 pores could be permanently changed in their size;
21 correct?

22 A. It's a possibility if it was loaded
23 beyond its yield strength, yes.

24 Q. And you would agree, Mr. Smith, that
25 when pulling the sheath off of a mesh, for example,

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1 there is a load that is put on the mesh; correct?

2 A. At some points and sometimes, yes.

3 Q. And you would agree, Mr. Smith, that
4 you personally have been involved in dealing with
5 the fact that sheath pull-off for some TVT devices
6 did, indeed, permanently deform the mesh; correct?

7 MR. HUTCHINSON: Object to form.

8 THE WITNESS: I believe so.

9 BY MR. ZONIES:

10 Q. And by that, you mean that when the
11 doctors were pulling off the sheath when using the
12 mesh in patients, it pulled on the mesh so much that
13 it deformed the shape of the mesh; correct?

14 MR. HUTCHINSON: Object to form.

15 THE WITNESS: You have to define
16 which specific instance you're talking about, but
17 it's possible that could happen.

18 BY MR. ZONIES:

19 Q. Yeah, you've seen, for example,
20 slides and photographs of mesh that has roped;
21 correct?

22 A. Pushed beyond its elastic limit, yes.

23 Q. Right. So that the -- it permanently
24 deforms and turns into a rope essentially; correct?

25 A. It's possible.

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1 Q. And you've actually seen mesh that
2 deforms and it -- fraying and particle loss occurs;
3 correct?

4 A. It's possible, yes.

5 Q. You would agree, Mr. Smith, that if
6 the measurement across the pores we're looking at
7 here -- let's assume you measure across one of those
8 pores and let's say it's more -- let's say it's 1
9 millimeter across hypothetically.

10 If a load is put on the mesh and it
11 changes the pore size, that pore could be, after a
12 load is put on it, under 1 millimeter; correct?

13 MR. HUTCHINSON: Object to form.

14 THE WITNESS: It's possible depending
15 on the load.

16 (Pause.)

17 MR. HUTCHINSON: Well, why don't we
18 go off the record and see if we can stop the --

19 THE VIDEO TECHNICIAN: Going off the
20 record. The time is 1:38 p.m.

21 - - -

22 (A discussion off the record
23 occurred.)

24 - - -

25 THE VIDEO TECHNICIAN: We're back on